

Annual Report OF THE LIBRARIAN OF CONGRESS

FOR THE FISCAL YEAR ENDED
June 30, 1943



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1944

THE COPYRIGHT OFFICE

REPORT TO THE LIBRARIAN OF CONGRESS BY THE REGISTER OF COPYRIGHTS

WASHINGTON, D. C., *July 26, 1943.*

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1942, to June 30, 1943, inclusive, are summarized as follows:

Registrations and Receipts

Instead of the normal annual increase in business which has gone on with few interruptions since the establishment of the Copyright Office, the figures of the past year show a decline similar to that which took place during the first World War, but sharper. The gross receipts dropped from \$376,906.63 to \$324,300.99, or 13.9 percent, and registrations from 182,232 to 160,789, or 11.7 percent. Registrations for books printed abroad in foreign languages have continued their steady progress toward the vanishing point: 4,086 in the fiscal year 1939, 2,504 in 1940, 1,553 in 1941, 651 in 1942, and 156 in 1943. The number of English books registered for ad interim copyright, after following the same declining curve (1,122 for 1939, 958 for 1940, 565 for 1941, and 509 for 1942), rose slightly to 517 for 1943. The general decrease is noticeable for registrations in all classes of works. The class least affected is musical compositions where the loss is a little over 3 percent (50,023 in 1942, 48,348 in 1943). Registrations for the past five years are shown in the table which follows:

252,123. The number of these articles in each class for the last 5 fiscal years is shown in the table which follows:

**Number of articles deposited during the fiscal years
1939 to 1943, inclusive**

Class	Subject matter of copyright	1943	1942	1941	1940	1939
A	Books:					
	(a) Printed in the United States:					
	Books proper.....	17,316	20,754	25,470	23,952	22,842
	Pamphlets, leaflets, etc.....	55,116	67,240	62,276	60,374	66,162
	Contributions to newspapers and periodicals.....	3,568	5,119	5,888	13,926	9,843
	Total.....	76,000	93,113	93,634	107,252	98,847
	(b) Printed abroad in a foreign language..	156	651	1,553	2,505	4,086
	(c) English works registered for ad interim copyright.....	517	509	565	958	1,122
	Total.....	76,673	94,273	95,752	110,715	104,055
	B Periodicals.....	85,990	90,290	84,214	80,356	76,414
C	Lectures, sermons, etc.....	629	963	1,362	1,277	1,135
D	Dramatic or dramatico-musical compositions..	4,190	5,468	5,648	7,052	7,525
E	Musical compositions.....	57,343	60,098	59,369	46,152	49,010
F	Maps.....	1,462	2,402	2,824	3,242	3,114
G	Works of art, models, or designs.....	2,277	2,583	2,064	4,014	4,084
H	Reproductions of works of art.....	393	580	552	647	177
I	Drawings or plastic works of a scientific or technical character.....	2,698	2,891	3,302	3,931	3,813
J	Photographs.....	1,655	2,543	4,173	4,403	5,544
KK & K	Prints, labels, and pictorial illustrations.....	15,329	20,026	20,068	7,136	5,677
L	Motion picture photoplays.....	1,386	1,743	1,625	1,583	1,638
M	Motion pictures not photoplays.....	2,098	2,576	1,884	1,533	1,751
	Total.....	252,123	286,436	283,737	272,041	263,937

During the present fiscal year 1,858 works were received in response to requests addressed to delinquent copyright owners, and in addition thereto 21 additional works were received within the demand period where official demands were made, making a total of 1,879.

The number of works received in response to requests for copies sent to delinquent copyright owners shows a material decrease over the preceding fiscal year. This is due to the fact that fewer requests have been sent out, since fewer cases of delinquency have been called to the attention of the Copyright Office by the Card Division, and through other channels of information; it encourages the hope that the efforts of the Office to secure compliance with the law in this

respect are meeting with some success. However, as observed in my Annual Report for 1941, there is good reason to believe that there are still many cases in which works are published with copyright notice, of which neither the Library nor the Register of Copyrights can possibly have a complete knowledge and in connection with which the copyright owner makes no attempt whatsoever to meet the requirements of Section 12 of the Copyright Act.

During the fiscal year a total of 161,281 current articles deposited have been transferred to the Collections of the Library of Congress. This number included 43,360 books, 95,039 periodical numbers, 19,674 pieces of music, 1,387 maps, and 1,821 photographs and engravings.

Under authority of Section 59 of the Act of March 4, 1909, 1,653 books were transferred during the fiscal year to other governmental libraries in the District of Columbia. Under this transfer, up to June 30, 1943 the following libraries have since 1909 received the total number of books indicated below:

Department of Agriculture, 4,618; Department of Commerce, 23,076; Navy Department, 1,879; Treasury Department, 1,496; Office of Education, 22,855; Federal Trade Commission, 33,448; Bureau of Standards, 2,094; Army Medical Library, 10,242; Walter Reed Hospital, 2,884; Engineer School, Corps of Engineers, 3,202; Soldiers' Home, 1,600; Public Library for the District of Columbia, 64,090. A number of other libraries have received a smaller number of books. In all, 194,536 volumes have been thus distributed during the last 34 years.

The Copyright Act authorizes the return to copyright claimants of such deposits as are not needed by the Library of Congress or the Copyright Office. Under such authority 3,392 motion picture films were returned during the fiscal year. As stated in my report for last year, on May 26, 1942, a new policy was adopted with respect to the retention of motion picture films. Under this arrangement both copies of the motion picture films submitted for copyright deposit will be returned to the copyright claimant subject, however, to delivery to the Library upon request of one copy of such copyright films as the Library may select, after screening, for transfer to its permanent collections. Practically all producers of motion pictures have acceded to this arrangement. A press release issued from the Library of Congress June 30, 1943, indicates that 104 motion pictures have so far been selected for permanent retention.

Expenditures

The total obligation for salaries in the Copyright Office during the year was \$282,462.71. Expenditures for stationery, postage, and transportation amounted to \$2,549.04. The allotment for printing the *Catalog of Copyright Entries* was placed at \$45,000. It was expected that the use of the photo-offset process in printing the *Catalog* would effect a considerable saving, but the amount saved has been an agreeable surprise. The printing cost, based on bills received up to the end of the fiscal year and estimates for work not yet billed, is approximately \$19,000, including the cost of the latest bulletin of copyright decisions. If to this is added the additional cost of increased clerical service and supplies in the preparation of copy, roughly estimated at \$11,000, we have a figure of \$30,000 as against approximately \$50,000 for the fiscal year 1941, the last year in which the printing was done entirely from type set. The purchase of the electric typewriters for preparation of the catalog copy and the establishment of the Composing Section have thus been amply justified.

To the expenditures above itemized the addition of the allocated amount of \$9,006.84 for "Printing and Binding, General" brings the year's spendings to \$313,018.59. If from this be subtracted the earnings for the year, \$306,836.70, the operations of the Copyright Office show a net loss amounting to \$6,181.89. But it is to be remembered that the value of the copyright deposits to the Library of Congress outweighs this loss many times. The Copyright Office exists as an instrumentality for "the promotion of science and useful arts" under the Constitution and not as a money-making agency. But its operations on the whole have resulted in very large additions to government property.

Accounts

On July 6, 1942, the books of the Copyright Office were balanced for June, the accounts for the fiscal year were closed, and the necessary financial statements completed for the Treasury Department.

Correspondence

The volume of correspondence registered a decrease during the year in number of items received and an approximately equal decrease in number of items dispatched. The total of incoming letters and

parcels was 206,375 as compared with 253,424 the preceding year, and the number dispatched 228,672 as compared with 274,891 the preceding year.

Personnel

The full impact of the war upon the personnel situation of the Copyright Office is now apparent. The total turn-over during the fiscal year 1943 was 72, or 46 percent, of whom 22 were called to the military service. The legal staff of the Office was particularly hard hit and during a period of a little more than a year it will have been necessary to replace every member from the Assistant Register down. Fortunately, the Office has been able to secure the services of experienced lawyers for several of these positions. Herbert A. Howell was recalled from his retirement on October 2, 1942, to take the position of the associate attorney, Richard S. MacCarteney, who went into the Navy; and Simon Lasica replaced Lawrence Reed as assistant attorney February 16, 1943.

The important position of Administrative Assistant to the Register, involving general supervision of production and liaison duties between different sections of the Office, vacated by Clarke J. McLane's induction into the service on November 25, 1942, has been effectively filled by the promotion of William P. Siegfried.

Of the remaining separations from the service thirteen were clerks in the higher grades (CAF 4 or Sp 5) and these positions have been filled by promotions from within the staff. A large majority of the vacancies, however, have occurred in the lower grades, and this has necessitated a considerable loss of time in the training of new people appointed from outside the Office. If, as is believed, the standard of quality in the Copyright Office work has been upheld and no material loss of time has taken place in the performance of the services to the public and to the Library of Congress required by the copyright laws, it is due to the fact that experienced clerks have readily accepted the obligation to take over tasks outside the scope of their normal positions. In some cases these have been of a higher grade than the position calls for, but often they have been of a lower grade. In all cases they have been cheerfully performed. It has been necessary to meet the abnormal war conditions by every legitimate and efficient method which can be devised so that neither the interest of the Government, on the one hand, nor that of the clerks, on the other hand, should suffer.

Copyright Office Index

The Copyright Office made and filed approximately 449,497 index cards, covering all registered material, all mail received, all notices of use and all assignments recorded during the year. In addition, 151,936 application cards were filed in their appropriate classified indexes.

Because of the heavy loss of personnel in the Office and the additional work in cooperation with the Office of the Alien Property Custodian, mentioned below, work on the consolidation of the old indexes progressed much more slowly than during the previous year. However, the consolidation of the indexes for "Books" was completed and those for "Periodicals" begun.

The receipt of vesting orders from the Office of the Alien Property Custodian has added considerable work to that of the routine work of the Mails, Files, and Index Section. Complete indexes of these orders are kept under titles and names of claimants, authors, arrangers, etc. The searching involved in handling these vesting orders and requests has approximately amounted to a little more than the full time of one additional clerk.

Cooperation With Alien Property Custodian

The Office of the Alien Property Custodian, created during the first World War, was abolished in 1934 but was reestablished by Executive Order 9095 on March 11, 1942, under the First War Powers Act, approved December 18, 1941. Pursuant to the authority granted in the Act and the executive order the Alien Property Custodian entered upon various activities requiring the cooperation of the Copyright Office. The most important of these activities consisted in the issuance of vesting orders by which copyrights of nationals of enemy countries and in some cases of alien occupied countries were taken over by the Government. During the fiscal year 1943 such vesting orders covering some 10,000 titles of copyrighted works (mostly scientific works and music) have been recorded in the Copyright Office and index cards or index notations on cards already in existence have been made for the copyrights vested. In a number of cases licenses have been issued for the republication or other use of such vested works. These licenses have not generally been recorded in the Copyright Office, there being no statutory obligation to so record them. Where the Office has knowledge of their existence, however, it has made perti-

ment reference notations in its indexes accordingly. This work, it is believed, will greatly facilitate tracing the ownership of copyrights in foreign works when questions come up regarding them after the war.

The second important activity of the Alien Property Custodian with reference to foreign-owned copyrights has been to establish certain restrictions upon their registration and assignment by requiring the applicant for registration or for the recording of assignments to file in the Copyright Office supporting documents showing the derivation of the ownership and the interest claimed. These documents, after necessary scrutiny in the Copyright Office, are forwarded to the Office of the Alien Property Custodian.

A great many searches, including the preparation of some extensive lists of foreign-owned copyrights, have been made in connection with the above-described activities of the Alien Property Custodian and a good deal of correspondence with his office, as well as with members of the public, has been involved.

Copyright Bills in Congress

The following bills relating to copyright were introduced during the fiscal year, but none of them was reported out of committee:

H. R. 7458, 77th Congress, Second Session. "A Bill to amend Sections 16, 17, 29, and 62 of the Copyright Act of March 4, 1909, as amended, to penalize the placing of a copyright notice on subversive or obscene material, the submission to the Copyright Office of such material or of material containing false statements, to clarify the Act, and for other purposes." Introduced by Mr. Kramer on August 3, 1942, and referred to the Committee on Patents.

H. R. 80, 78th Congress, First Session. "A Bill to amend Section 25 of the Act entitled 'An Act to amend and consolidate the Acts respecting copyright,' approved March 4, 1909, as amended." Introduced by Mr. Keogh on January 6, 1943, and referred to the Committee on Patents. This has to do with the remedies for infringement and proposes various changes. It is identical with H. R. 3640, introduced by Mr. Keogh on February 27, 1941, and referred to the Committee on Patents. See Report of the Register of Copyrights for the fiscal year ending June 30, 1941, page 37.

H. R. 84, 78th Congress, First Session. "A Bill to provide a uniform fee for the registration of copyrights." Introduced January 6, 1943, by Mr. Lanham and referred to the Committee on Patents.

Identical with H. R. 2598, 77th Congress, First Session, introduced January 22, 1941, by Mr. Lanham and referred to the Committee on Patents.

H. R. 1570, 78th Congress, First Session. "A Bill to amend the Act entitled 'An Act to amend and consolidate the Acts respecting copyright,' approved March 4, 1909, as amended." Introduced by Mr. Scott (by request), January 28, 1943, and referred to the Committee on Patents. The purpose of the bill is to afford copyright protection to acoustical recordings.

H. R. 1571, 78th Congress, First Session. "A Bill to amend the Act entitled 'An Act to amend and consolidate the Acts respecting copyright,' approved March 4, 1909, as amended." Introduced by Mr. Scott (by request), January 28, 1943, and referred to the Committee on Patents. The purpose of the bill is to amend Section 1 of the said act by striking out the last paragraph thereof relating to the reproduction or rendition of music by or upon coin-operated machines.

INTERNATIONAL COPYRIGHT

No new copyright proclamations establishing mutual protection with foreign countries have been issued within the year covered by this report. It had been expected that before this one or more proclamations would have been issued by the President, under the authority of the Act of Congress approved September 25, 1941, extending the time for obtaining ad interim copyright for English books, and for filing applications for renewals, where war conditions have made existing time limits too short. Such action, however, had not taken place up to June 30, 1943.

Respectfully submitted.

C. L. BOUVÉ,
Register of Copyrights.